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February 5, 2008

***VIA FACSIMILE (415) 522-2140***

**CONFIDENTIAL**

Honorable James Larson  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Keisha Hawkins v. Berkeley Unified School District  
Case No. C 07-4206 EMC (JL)

Dear Judge Larson:

I am co-counsel for Berkeley Unified School District (BUSD), along with attorney Peter Sturges of my law firm, in the above-referenced case. I am writing to request that the Court continue the settlement conference in the above-referenced case currently scheduled for this Friday, February 8, at 10:00 a.m. This request is made on several grounds.

Mr. Sturges is currently conducting a due process hearing (OAH Case No. 2007080099) for the same client, Berkeley Unified School District ("BUSD"), at the Oakland Office of Administrative Hearings (OAH). That hearing is scheduled from today, February 5, through February 11, 2008. Elaine Eger, the Director of Special Education who has settlement authority for all BUSD special education cases, is attending the entirety of the hearing along with Mr. Sturges. As a result, neither she nor Mr. Sturges are available to attend the settlement conference in this matter on Friday.

As co-counsel, I am also unavailable to attend the settlement conference this Friday, as I am required to attend an emergency, expedited mediation for a dangerous student in Soledad, California (OAH Case No. 2008010803).

Beyond these scheduling conflicts, there are also other issues which militate in favor of continuing the settlement conference in this case. We have not yet received a demand letter from plaintiff in this case. In addition, when the settlement conference was originally scheduled in this case, it was intended to occur after the hearing on counterclaimants' motion to dismiss. However, the motion to dismiss has been continued by the Court and will not be heard until

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February 13, 2008. Because the motion to dismiss is still pending, the parties have not yet conducted discovery in this matter. For purposes of efficiency, it appears to make more sense to have the Court rule on the motion to dismiss prior to holding the settlement conference in this matter.

My office has left two (2) telephone messages and one (1) email message with opposing counsel regarding this request for a continuance, but have been unable to speak directly with opposing counsel.

For all the reasons stated in this letter, I respectfully request that the Court consider continuing the settlement conference in this matter until after the hearing on counterclaimants' motion to dismiss

Respectfully submitted,

ATKINSON, ANDELSON, LOYA,  
RUUD & ROMO

By   
Diane B. Rolen

DBR/rb

c c: Jean Murrell Adams, Esq.  
Laurette M. Garcia, Esq.  
(via facsimile: 510-832-3099)

The Settlement Conference has been continued to March 18, 2008 at 10:00 a.m. The parties are to provide at least seven (7) calendar days before the settlement conference two copies of a Confidential Settlement Conference Statement. The statements should be lodged with chambers NOT filed with the Clerk of the Court.

February 7, 2008

